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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/079,468	05/15/1998	AKIRA NISHIMURA	360842003400	8388
25227	7590	06/14/2002	EXAMINER	
MORRISON & FOERSTER LLP 2000 PENNSYLVANIA AVE, NW SUITE 5500 WASHINGTON, DC 20006-1888			PRATT, CHRISTOPHER C	
ART UNIT		PAPER NUMBER		
1771		29		
DATE MAILED: 06/14/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/079,468	NISHIMURA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher C. Pratt	1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 May 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

a)  The period for reply expires 3 months from the mailing date of the final rejection.  
 b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.  The proposed amendment(s) will not be entered because:

- (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
- (b)  they raise the issue of new matter (see Note below);
- (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_.

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_. (S) 6-12-02

Claim(s) objected to: \_\_\_\_\_. (S) 6-12-02

Claim(s) rejected: 22-28 and 40. (S) 6-12-02

Claim(s) withdrawn from consideration: 1-21 and 29-39. (S) 6-12-02

8.  The proposed drawing correction filed on \_\_\_\_ is a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_. (S) 6-12-02

10.  Other: \_\_\_\_\_. (S) 6-12-02

Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues that the sizing agent taught by Kishi is not equivalent to applicant's claimed binder and provides another definition of the term sizing agent. Applicant also argues that Kishi teaches removal of the sizing agent. It is the examiner's position that the sizing agent is, in fact, equivalent to applicant's claimed binder. Applicant's provided definition of a sizing agent further supports this position. A binder can also be defined as a final surface modification consisting of the application of a thin layer of finish to facilitate handling in subsequent processing. In this case handling properties would be reduced if the yarns lost flatness. Applicant's arguments provide no reasons why a binder is not equivalent to a sizing agent in this case. The examiner notes that while Kishi does teach an embodiment wherein the size can be removed, it also teaches that removal is not necessary (col. 10, line 44).

In the alternative Kishi teaches subjecting the yarns to a flattening operation. Homma teaches a flattening operation comprising the application of a linear binder. It would have been obvious to the skilled artisan to utilize Homma's flattening operation. Homma specifically teaches that bonding by lines is desirable to improve the impregnation ability of the matrix resin (col. 6, lines 50-54). Applicant argues that said combination does not teach a woven fabric impregnated with...a binder...." This is an incorrect interpretation of the claim language, which states, "a binder [is] distributed in a line-like manner on the fabric." The claim itself, applicant's previous arguments, and fig. 2 explicitly contradict applicant's instant interpretation that the binder impregnates the fabric. Also, if applicant amends the claim language to support this interpretation then the limitation would be taught by Kishi because the resin, which impregnates the fabric, can also be construed as a binder.

Applicant argues that there is no motivation in Kishi to modify the amount of binder. The examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case, it is the examiner's position that one having ordinary skill in the art would have found it obvious to modify the amount of binder. Such a mofication would have been motivated by the reasons set forth in the previous actions. .



CHERYL A. JUSKA  
PRIMARY EXAMINER